

Exhibit 3

1 (D. BUFFINGTON, PharmD - 2/10/21)

2 I still can do it, but I'm not configured
3 or have the facility to do it.

4 BY MR. KURSMAN:

5 Q But if you had the facility to do it, you
6 would be able to do it?

7 A Any pharmacologist could do it.

8 Q Could any pharmacist do it?

9 A Same thing.

10 Q Then, in Ohio -- you testified in Ohio, as
11 well, right?

12 A Yes. I think in two or three cases.

13 Q Do you remember testifying that you
14 believe there were pharmacists in the United States
15 that are able to compound pentobarbital for use in
16 lethal injections?

17 A Correct.

18 Q Do you still believe that?

19 A I'm sure they're there. I haven't found
20 them, though.

21 Q Have you been looking?

22 A No. It's come up in discussion at
23 conferences. But I haven't found anybody that is
24 interested in doing that service.

25 Q Well, do you remember that you had

1 (D. BUFFINGTON, PharmD - 2/10/21)
2 previously testified that you did have discussions
3 with colleagues in conferences and they said they
4 would compound pentobarbital for departments of
5 corrections for executions?

6 A I do. Now, I also remember --

7 MR. CLEVELAND: Object to form.

8 THE WITNESS: Subsequent to that, I also
9 remember reaching out to them, finding, as I
10 stated, no one who actually is willing to do
11 it.

12 BY MR. KURSMAN:

13 Q Who did you reach out to them -- did you
14 reach out to them on behalf of DOC?

15 A No.

16 Q You just reached out to them and asked?

17 A Yes.

18 Q And do you recall what they told you?

19 A As I stated.

20 Q Do you remember testifying that they told
21 you not unless there was privacy and that they were
22 contacted directly by DOC?

23 A I --

24 MR. CLEVELAND: Object to form.

25 MR. KURSMAN: What's that? I'm sorry?